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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/024,925	12/19/2001	Shane A. Straw SR.	955-3085-U	5640	
75	590 02/13/2003				
ROBERT H. EARP,111 MCDONALD, HOPKINS, BURKE & HABER CO, L.P.A. 2100 BANK ONE CENTER 600 SUPERIOR AVENUE, E. CLEVELAND, OH 44114-2653			EXAMINER		
			WATSON, ROBERT C		
			ART UNIT	PAPER NUMBER	
			3723		

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Application No. Application Application					MI					
## Examiner Art Unit Robert C. Watson 3723 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. E grantons of time may be available under the previsions of 37 CFR 1.13(ti). In no event, however, may a reply be timely filled If the portion of cryst specified above, the macroum databors previse will be seatatory minimum of thing (20) days and the legisles SIX (50 MONTHS from the mailing data of this communication for reply is pecified above, the macroum databors previse the seatabors prevised states of the communication of the communication of the communication of the seaton membrane databors from the mailing data of this communication makes the mailing data of this communication and prevised them deligible from the period of this communication, event 8 through fills, may reduce any seaton provised to the mailing data of this communication, event 8 through fills, may reduce any seaton provised to the mailing data of this communication, event 8 through fills, may reduce any seaton provised to the mailing data of this communication, event 8 through fills, may reduce any seaton provised to the mailing data of this communication, event 8 through fills, may reduce any seaton provised to the mailing data of this communication. 1) Responsive to communication(s) filled on	,	Application No.		Applicant(s)	}1 [X					
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parle Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-13 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-5 and 8-11 is/are rejected. 7) Claim(s) 1-5 and 8-11 is/are objected to. 8) Claim(s) 1-5 and 13 is/are objected to. Application Papers 9) The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a approved b disapproved by the Examiner. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some O None of: 1. Certified copies of the priority documents have been received in Application No. application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a The translation of the foreign language provisional application has been received. 15 Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) Interview Summary (PTO-413) Paper No(s). 1 Notice of References Cited (PTO-882) Notice of Informal Patent Application (PTO-152)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 									
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Application/Control Number: 10/024,925

Art Unit: 3723

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hying et al.

Hying et al shows a screw jack having relatively slideable jack tubes. Hying et al at Figure 3 shows a nut 7 captured in a nut retainer seated withing an upper end of a lower jack tube.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

over Hying et al in view of Zimmer.

Hying et al shows a screw jack having relatively slideable jack tubes. Hying et al at Figure 3 shows a nut 7 captured in a nut retainer seated withing an upper end of a lower jack tube. The nut retainer is integral with the upper end of the jack.

Zimmer teaches the use of a nut retainer 46 separate from the end of a tube 20.

The nut retainer permits insertion of the nut by means of a lateral slot. The nut retainer is nestingly received in the end of the tube.

Art Unit: 3723

To employ a nut retainer nestingly received in the upper end of the Hying et al lower jack tube whereby the nut can be insterted in a lateral slot of the nut retainer would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Zimmer. One of ordinary skill in the art would have been motivated to do this in order to provide a cheaper and easier means for capturing the Hying et al nut in the upper end of the lower jack tube.

Claims 6-7 and 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Analogous nut retainers are taught by Fortgens, Peveler, and McAlpine et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 703 308-1747. The examiner can normally be reached on Mon. - Thurs., 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 703 308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3579 for regular communications and 703 305-9835 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1148.

Application/Control Number: 10/024,925

Art Unit: 3723

rcw

February 6, 2003

Page 4

ROBERT C. WATSON

PRIMARY EXAMINER